



Attorney's Docket No.: «Matter Matter ID»

Applicant : Charles C. Packham et al.
Serial No. : 09/422,758
Filed : October 21, 1999
Title : SHAVING SYSTEMS AND FOILS

Art Unit : 3724
Examiner : C. Goodman

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

Pursuant to 37 CFR 1.193(b)(1), Applicant responds to the new points raised in the Examiner's Answer as follows.

A. The Filing of an Information Disclosure Statement Does not Create a Presumption of Enablement of Cited References

At page 6 of the Answer, the Examiner states:

Pranjko is a reference that the Appellant cited in the IDS filed on September 25, 2000, Paper No. 9. The fact that the Appellant had submitted this reference carries a presumption that the reference is enabling. Under 37 CFR §1.56, the Appellant fulfilled the Appellant's duty to disclose information that is material to the patentability of the invention in the manner prescribed by §§ 1.97(b)-(d) and 1.98. Therefore, any of the references that the Appellant cites is presumed to be enabling to the extent they are presumed to be material to the patentability of the invention.

The Examiner's logic fails in the assumption that the listing of a reference in an IDS is an admission of materiality. This is clear error. As is provided in 37 CFR 1.97(h):

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